

## RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID		Requested Response Time	DSD Assigned RID #
Customer RID	<input checked="" type="checkbox"/>	24 hours	?
Internal Staff RID	?	5 working days	<input checked="" type="checkbox"/>
		As time available	?

**1. Project Name:** Westover Market Place

**2. Project Number:** none

(Plat #, Zoning Case #, etc.)

**3. Project Street Address:** N.W. Loop 410 @ SH 151

(If not available nearest intersection of two public streets)

**4. Applicant Name:** Larry Heimer, Bury Partners

**5. Applicant Address:** 10000 San Pedro Ave.  
San Antonio, Texas 78216

**6. Applicant Telephone #:** (210) 525-9090

**7. Applicant e-mail Address:** unknown

**8. Rule in Question:**

(Section and/or policy of UDC, Building Code, Master Plan, etc)

UBC Section 505.2- Unlimited Area – for a proposed Target and an adjacent connecting multi-tenant retail building, which will be on separate lots (note their connection as location “B” on attachment “A”.

**9. Applicant's Position:**

(Including date position presented and name of city staff point of contact)

**Date:** 03/30/2004

**Contact:** Larry Heimer

**Contact Telephone #:** (210) 525-9090

The Owners (Target/DBI) will file an agreement (OEA) that describes the responsibilities, limitations, and liabilities of an arrangement between them that should allow for their entire building group (when viewed together) to be considered as meeting the conditions for application of the Unlimited Area provisions of the above referenced section of the UBC. Briefly put, the Owners agree to maintain a maximum one story, fully sprinkled building group, with a 60' yard on all sides (when viewed as a group), and consisting of use Groups B, F, M, S1 thru S5 &/or H5 only. Where a lot line passes through the building group, either an area separation wall of four (4) hour fire-resistive construction or 2- two (2) hour area separation walls will be constructed. These fire-walls will limit the potential fire exposure of each owner's portion of the common structure. The 60' yard can also be provided by a platted “No Build” easement adjacent to the building or building group.

Owners of the proposed project are requesting a letter or signed RID that indicates that buildings within the development may be developed utilizing zero side setback if an OEA is provided meeting the criteria outlined above prior to the issuance of a building permit.

**10. Staff Finding:**

(Including date of finding and name of city staff person formulating finding)

**Date:** 3/31/04      **Contact:** Paul Oakley    **Contact Telephone #:** (210) 207-0156

The general premise outlined in the applicant's position is in conformance with the applicable building codes.

**11. Staff Position:**

(Including date position presented internally and name of city staff person formulating position)

**Date:** 4/8/04      **Contact:** Bill Telford      **Contact Telephone #:** (210) 207-7879

Staff is in agreement that the code provides that building on a side property line with a zero setback is permissible if an OEA is submitted prior to the issuance of a building permit as follows:

1. provision of a description of the responsibilities, limitations, and liabilities of the arrangement between the separate property owners that allows for the individual building be considered as a single building group (when viewed together).
2. specifies that the owners of the separate properties in the proposed building group agree to maintain a maximum one story, fully sprinkled building group, with a 60' yard on all sides (when viewed as a group),
3. notes where a lot line passes through the building group, either an area separation wall of four (4) hour fire-resistive construction or 2- two (2) hour area separation walls will be constructed. These fire-walls will limit the potential fire exposure of each owner's portion of the common structure.
4. notes that a 60' yard may be provided by a platted "No Build" easement adjacent to the building or building group.
5. the OEA is in perpetuity, is irrevocable without the City's written authorization, is signed by each property owner, is recorded in the Bexar County Deed Records and is so noted on each plat of the participating properties.

**12. Departmental Policy or Action:**

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director of Development Services)

**Date of policy/action:** 4/8/04      **Effective Date of policy/action:** 4/9/04

The Director of Development Services finds that the staff recommendation is acceptable and therefore directs that when two or more individual property owners

with properties similarly zoned desire to construct a building or buildings on a common property line (exclusive of common property lines with property in residential use or zoned residentially) that such construction may be permitted after complying with all other provisions of the UDC and the various Building Codes subject to the recording in the Bexar County Deed Records an OEA which provides for each of the provisions as follows:

1. provision of a description of the responsibilities, limitations, and liabilities of the arrangement between the separate property owners that allows for the individual building be considered as a single building group (when viewed together).
2. specifies that the owners of the separate property in the proposed building group agree to maintain a maximum one story, fully sprinkled building group, with a 60' yard on all sides (when viewed as a group),
3. notes that where a lot line passes through the building group, either an area separation wall of four (4) hours fire-resistive construction or 2- two (2) hour area separation walls will be constructed. These fire-walls will limit the potential fire exposure of each owner's portion of the common structure.
4. notes that a 60' yard may be provided by a platted "No Build" easement adjacent to the building or building group.
5. the OEA is in perpetuity, is irrevocable without the City's written authorization, is signed by each property owner, is recorded in the Bexar County Deed Records and so noted on each plat of the participating properties.

As such a copy of this form may be provided to owners/applicants requesting written conformation that a specific project may be constructed with zero setback on side yards for buildings on common side yard lines within the interior portion of a specified building group.

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Florencio Peña, Director  
Development Services Department